



OFFICE OF THE TOWN CLERK

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399  
PHONE: 954.797.1023 • FAX: 954.797.1087 • WWW.DAVIE-FL.GOV

## Town Council Agenda Report

**TO:** Mayor and Councilmembers

**FROM:** Russell C. Muniz, MBA, CMC,  
Acting Assistant Town Administrator

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** Town-Wide

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT HB 949 AND SB 1608 DURING THE 2006 LEGISLATIVE SESSION, AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** These bills are among the top legislative priorities for the Florida League of Cities. These bills provide that a charter county provision relating to land use, development, and voluntary annexation will not apply within a municipality unless it is approved by the governing body of the city, or approved by a majority of the electors. Please note that the Town received a letter from Broward County Mayor Ben Graber requesting that a resolution be passed opposing these bills. That letter as well as a sample resolution have been provided as backup for Council consideration.

**PREVIOUS ACTIONS:** N/A

**CONCURRENCES:** N/A

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Motion to approve the resolution.

**ATTACHMENT(S):** Resolution, FLC Fact Sheet, Letter and Sample Resolution from Broward County Mayor Ben Graber

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT HB 949 AND SB 1608 DURING THE 2006 LEGISLATIVE SESSION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as Florida's municipalities are established as voluntary public corporations; and

WHEREAS, municipal government is the purest form of local self-government and voluntary self-determination; and

WHEREAS, Florida's constitution grants municipalities broad government, corporate and proprietary powers to perform municipal functions and provide municipal services; and

WHEREAS, citizens choose to live in cities because they seek a certain way of life, and services that only cities can provide; and

WHEREAS, county governments are creating more bureaucracy and duplicating municipal services and processes; and

WHEREAS, county governments are restricting the local government service options for residents and businesses, and

WHEREAS, county governments are restricting competition from municipalities as a local government service provider.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The Town of Davie urges Governor Jeb Bush and members of the Florida Legislature to support HB 949 by Representative Rafael Arza and SB 1608 by Senator Mike Bennett allow cities the authority to make decisions that impact their quality of life and property interests by majority approval of the elector within the municipality or the consent of the municipality's governing board.

Section 2. That a copy of this resolution shall be provided to Governor Jeb Bush, Senate President Tom Lee, House Speaker Allan Bense and members of the Florida Legislature.

Section 3. This Resolution shall take effect immediately upon its passage and adoption.

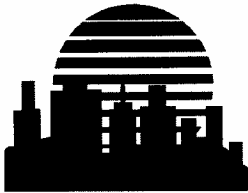
PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.



## **FLORIDA LEAGUE OF CITIES, INC.**

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### **Memorandum**

To: Key Officials  
FLC Board Of Directors  
Advocacy Committee  
Policy Committees Members

From: John Charles Thomas, Director  
Legislative & Public Affairs

Date: February 28, 2006

Re: **HB 949 Rep. Ralph Arza & SB 1608 Sen. Mike Bennett**

Attached is a fact sheet on the Florida League of Cities top legislative priority. With the session just around the corner there may be misrepresentations made about what these bills do. I hope this fact sheet will help you lobby your legislator and against those who would oppose this fair legislation that empowers local citizens.

If you have any questions, or require additional information; please feel free to contact me at [jthomas@flcities.com](mailto:jthomas@flcities.com) or by calling the League office at (800) 342-8112.

## **The Facts About HB 949 Rep. Ralph Arza & SB 1608 Sen. Mike Bennett**

- Cities are voluntary forms of government and would not exist if communities had not organized and held special elections to create a local form of government. Residents in a community decide to incorporate – to govern themselves – to gain a greater degree of control over issues that impact their quality of life and property interests directly, or because the county-wide government is too large and unresponsive to their particular needs.
- Counties are political subdivisions of the state and are dependent on the legislature for specific legislative authority to carry out county purposes. Voters in a county may elect to become a “home rule” charter county in order to eliminate the need to obtain specific legislative authority to act for county purposes.

Charter counties have undermined the actions and desires of local communities through charter provisions and an expanded interpretation of their authority. HB 949 and SB 1608 create a process to limit the ability of charter counties to dictate countywide policies without the consent of the governing board of a municipality or the registered electors residing in a municipality.

### **What the bills do:**

The bills provide that a charter county provision relating to land use, development and voluntary annexation will not apply within a city unless:

- Approved by the governing body of the city; or
- Approved by a majority of the electors within the county and a majority of the electors within the city (dual referendum).

**Existing charter county preemptions would remain in effect unless the city decides to exercise the dual referendum option.**

### **The bills do not:**

**Repeal any:**

- Charter county charter provision,
- Charter county ordinance,
- Charter county comprehensive plan, countywide joint planning agency or land-use regulation, or
- Charter county special act.

Any future charter county provision seeking to preempt a municipality would require the charter county to obtain the consent of the municipal governing board or approval by exercising the dual referendum process.

Eliminate an individual's ability to vote.

- Citizens of the county participate in the referendum process; and
- Citizens of the city participate in the referendum process.
- The dual referendum requirement ensures that city electors are protected from large unincorporated populations outvoting them in a countywide referendum.
- Small cities are protected from large urban counties.

Change the authority of the Department of Community Affairs to review municipal comprehensive plan amendments for compliance with state law

Change the ability of citizens to challenge municipal comprehensive plan amendments and land development regulations for consistency with state law

The bills do not effect the obligations of a city to comply with any state law such as

- Natural disaster evacuation and shelters;
- Transportation concurrency;
- Height restrictions near airports; and
- School planning and concurrency requirements.

Eliminate or undermine charter counties.

- Charter counties retain their powers of local self-government.
- Any existing non-charter county can still become a charter county.
- Charter counties retain the authority to execute county functions.
- Charter counties retain the authority to provide countywide services and municipal services in the unincorporated area.
- Charter counties may address intergovernmental issues in the same manner as they are handled in Florida's 48 non-charter counties.

The bills do not apply to Miami-Dade County.

- Miami-Dade is a constitutional home rule charter county.

It is not unconstitutional.

- Florida's constitution grants charter counties home rule authority except as limited by general law. The legislature can restrict charter county authority and even municipal home rule authority if it chooses.



**MAYOR BEN GRABER**  
Board of County Commissioners  
District 3

115 S. Andrews Avenue • Room 413  
Fort Lauderdale, FL 33301

954-357-7003 • FAX 954-357-7319  
bgrab@broward.org

March 15, 2006

The Honorable Tom Truex  
Mayor, Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Dear Mayor Truex:

On behalf of the Broward County Board of County Commissioners, I am writing to urge your Board to consider opposing SB 1608/ HB 949 unless they are amended to exempt Broward County. This legislation, sponsored by Senator Bennett and Representative Arza, would eliminate charter county land use authority except as approved by referendum subsequent to passage of the bill.

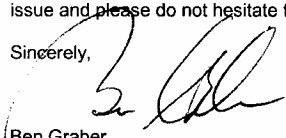
I believe you will agree with me that there must be a regional approach to land use decisions in order for us to maintain our quality of life and mutual respect for our neighbors among the thirty-one communities that comprise the county.

Over the last two years, our Board and our staff have worked diligently and in good faith to address cities' concerns with the land use approval process. Of the eleven original concerns expressed by the cities, nine were resolved to the cities satisfaction, and the last two issues continue to be worked on by interested parties. The resolution of these issues included numerous changes to the land use approval process which reduced County oversight and provided more flexibility to municipalities.

Please support these bills being amended to preserve the current process as approved by the voters of Broward County.

I have attached a draft resolution for your consideration and support. Thank you for your cooperation on this issue and please do not hesitate to contact me if you have any questions or would like to discuss this further.

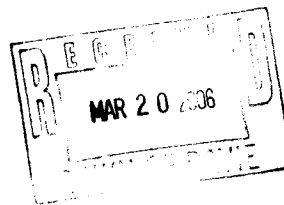
Sincerely,

  
Ben Graber  
Mayor

BG/PM/ct

Attachment

C: Broward County Board of County Commissioners  
Bertha Henry, Interim County Administrator  
Jeff Newton, County Attorney  
Evan Lukic, County Auditor  
Pamela L. Madison, Director, Office of Public and Governmental Relations  
Cynthia Chambers, Director, Department of Urban Planning and Redevelopment



DRAFT

RESOLUTION NO. 2006-

A RESOLUTION OF THE CITY OF  
~~BROWARD COUNTY, FLORIDA,~~  
TO SUPPORT AMENDING SENATE BILL 1608 AND  
HOUSE BILL 949 TO EXEMPT BROWARD COUNTY,  
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR  
AN EFFECTIVE DATE.

WHEREAS, Senate Bill 1608 and House Bill 949 ("SB 1608 and HB 949"), are currently pending before the Florida Legislature; and

WHEREAS, SB 1608 and HB 949 provide for the elimination of charter county, county-wide land use authority except as approved by referendum of the residents subsequent to the passage of the above bills; and

WHEREAS, during the past two (2) years, the Broward County Board of County Commissioners ("Board") and the Broward County League of Cities formed committees ("Committees") to address the concerns of the cities within Broward County ("Cities") regarding the current land use approval process; and

WHEREAS, such cooperative activities resulted in the resolution of nine of the eleven concerns raised by the Cities; and

WHEREAS, the Committees are continuing to work with the Cities towards resolving the outstanding concerns; and

WHEREAS, Broward County has made numerous changes to the land use approval process which reduced County oversight and provided more flexibility to municipalities.

WHEREAS, the Board and the Cities recognize that a regional approach to land use decisions is required to maintain the quality of life in Broward County, and the thirty-one municipalities within the County, that focuses on and resolves significant

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1 environmental and growth management issues, including, but not limited to, air quality,  
2 water, roads, schools, etc.; NOW, THEREFORE,  
3

4 BE IT RESOLVED BY THE \_\_\_\_\_ OF THE CITY OF  
5 \_\_\_\_\_, BROWARD COUNTY, FLORIDA:  
6

7 **Section 1.** The above recitals are true and correct and incorporated herein by  
8 reference.

9 **Section 2.** The City of \_\_\_\_\_, for the reasons set forth in the  
10 Whereas clauses above, acknowledges the need for a county-wide, as well as regional,  
11 approach to land use decisions and hereby supports exempting Broward County from  
12 the provisions of SB 1608 and HB 949.

13 **Section 3. SEVERABILITY.**

14 If any section, sentence, clause, or phrase of this Resolution is held to be invalid  
15 or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
16 way affect the validity of the remaining portions of the Resolution.

17 **Section 4. EFFECTIVE DATE.**

18 This Resolution shall become effective upon adoption.

19  
20 ADOPTED this \_\_\_\_ day \_\_\_\_\_, 2006.  
21  
22  
23  
24

BMH/wp

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underscoring type are additions.